

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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RAYMOND PADILLA,

Plaintiff,

v.

E. K. McDANIEL, et al.,

Defendants.

3:08-cv-00410-LRH (RAM)

ORDER

The Court has considered the Report and Recommendation of United States Magistrate Judge Robert A. McQuaid, Jr. (#19¹) entered on October 21, 2009, in which the Magistrate Judge recommends that Defendants' Motion to Dismiss (#13) be granted without prejudice and with leave to amend and Plaintiff's Motion Requesting Preliminary Injunction, and Restraining Order (#12²) be denied as moot. No objections were filed. The Court has considered the pleadings and memoranda of the parties and other relevant matters of record and has made a review and determination in accordance with the requirements of 28 U.S.C. § 636 and applicable case law, and good cause appearing, the court hereby

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¹Refers to court's docket number.

²Report and Recommendation mistakenly refers to Plaintiff's "Motion Requesting Preliminary Injunction, and Restraining Order" as Doc. #6.

1 ADOPTS AND ACCEPTS the Report and Recommendation of the United States
2 Magistrate Judge (#19); therefore, Defendants' Motion to Dismiss (#13) is granted without prejudice
3 and with leave to amend and Plaintiff's Motion Requesting Preliminary Injunction, and Restraining
4 Order (#12) is denied as moot.

5 IT IS SO ORDERED.

6 DATED this 19th day of November, 2009.

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LARRY R. HICKS
UNITED STATES DISTRICT JUDGE
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